

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-103 CRB

Plaintiff,

ORDER TO SHOW CAUSE

v.

RAFAEL FRANCO PEREZ,


Defendant.

Defendant has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. See Petition (dkt. 339). He argues that his sentence was based on the erroneous determination that he was a career offender, and that he never appealed his sentence because his counsel never advised him of that right.

Good cause appearing therefor, the Government is hereby ORDERED to file an answer to Defendant's motion within 60 days of this Order. If Defendant wishes to respond to that answer, he shall file a traverse with the Court and serve it on respondent within 30 days of his receipt of the answer.

IT IS SO ORDERED.

Dated: September 4, 2014



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE